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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

CÔTE D'IVOIRE

[22 January 1999]

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Part One

General considerations

I. LAND AND PEOPLE

A. The Land

1. Côte d'Ivoire is situated on the west coast of Africa between the equator and the tropic of Cancer and has a land area of 322,463 km^2. It is bordered by Ghana to the east, Liberia and Guinea to the west and Mali and Burkina Faso to the north; the Atlantic Ocean forms a natural boundary to the south.

2. The relief of Côte d'Ivoire is relatively flat. It is characterized in the south by plains that descend in stages to the Atlantic Ocean; in the centre and north by tiered plateaux; and in the west by mountains, the highest of which is Mount Tonkoui (1,218 m).

3. The climate is influenced by the harmattan, a northerly airstream characterized by a hot dry wind that blows in December and January, and by the monsoon, a mass of humid air coming from the Atlantic Ocean. Côte d'Ivoire has a very wet sub-equatorial climate in the south, a mountain climate in the west and a relatively dry tropical climate in the centre and north. Mean annual rainfall varies from 2,300 mm in the south to 900 mm in the north. This climatic diversity determines the two major types of vegetation: forest in the south and savannah in the north.

4. There is a fairly extensive river system. It consists of four major rivers flowing southwards towards the sea: the Cavally and Sassandra in the west, the Bandama in the centre and the Comoé in the east. There is also a very extensive network of lagoons in the south.

5. These specific natural features have helped to create contrasting economic activities. The lagoon area in the south and the forests in the west are suitable for cash crops (coffee, cacao, oil palm, rubber, etc.) and the production of the main food crops (rice, bananas, etc.). The savannah zone of the centre and north is more suitable for food crops (yams, millet, sorghum, rice, etc.), while the cultivation of cotton has been introduced more recently.

B. The people

6. According to the most recent estimates of the National Statistics Institute, the population of Côte d'Ivoire in 1995 was 14,500,000 inhabitants. The population is characterized by its cosmopolitan nature, youth, drive and uneven distribution. Between the 12th and 18th centuries large waves of migrants settled in various parts of the country. Nowadays there are four major socio-linguistic groups: the Akan group in the centre, south and east; the Kru group in the west; and the Mande and Guro groups in the north. Côte d'Ivoire always has been and still is subject to migration from abroad, mainly from the neighbouring countries. As a result of the way the territory was divided up in the colonial period, the country still displays great ethnic diversity (over 60 ethnic groups). French is the official language of communication.

7. The population is predominantly young. Children under 15 years of age represent almost half the total population, i.e. 48.2 per cent in 1993; the under-20s account for 56 per cent. This high proportion of young people brings with it a heavy demand for education and health care.

8. The population is characterized by a high degree of urbanization (43.6 per cent live in urban areas) and an annual growth rate of six per cent. The National Statistics Institute estimated in

(February 1994) that the urban population would exceed the rural population by 1998: 51.6 per cent as against 48.4 per cent.

9. Population growth is very high (3.8 per cent). This is accounted for by a number of factors, including the level of inward migration, the total fertility rate which has remained steady at 6.8 per cent since 1988, and the significant reduction in the infant morality rate from 93 deaths per thousand live births between 1988 and 1993 to 86 per thousand between 1993 and 1998.

10. The geographical distribution reveals the ever-increasing imbalance between the forest area and the savannah area; although the latter covers 52 per cent of the country's land area, it accounts for only 5.8 per cent of the total population.

11. The citizens of Côte d'Ivoire are divided between the two major revealed religions: Islam (49 per cent) and Christianity (39 per cent). In reality, however, most Ivorians cling to their traditional beliefs.

C. Economy

12. The economic indicators show that during the first two decades after Independence 1960-1980) Côte d'Ivoire, which had opted for economic liberalism, experienced a period of sustained growth, on account of the income generated by the sale of the major cash crops (coffee and cacao). In 1980 the gross domestic product (GDP) per capita was US$ 1240, which put Côte d'Ivoire in the first rank among the non-oil-producing African countries.

13. Since 1978, however, the drop in world commodity prices and substantial unprofitable investments in the semi-public sector have led to a proportional drop in external resources and to severe macroeconomic imbalances.

14. At the end of 1996, the outstanding external debt of Côte d'Ivoire, including unsecured private debt, amounted to US$ 19,500 million, i.e. 186 per cent of GDP; of this US$ 16,200 million (154 per cent of GDP) was possible debt. Total external debt represented 437 per cent of exports of goods and non-factor services. Public debt represented 359 per cent of exports of goods and non-factor services. External public debt at the end of 1996 represented 654 per cent of State revenue.

15. Internal debt was estimated in 1995 at 1,236,000 million CFA francs, about 25 per cent of GDP; the arrears of internal payments accumulated by the State towards the local private sector amounted to 156,000 million CFA francs. In the past this situation presented an obstacle to the creation of new jobs and to the expansion of internal production.

16. In 1998, however, Côte d'Ivoire had expectations of benefiting from the initiative for debt relief of the heavily indebted countries, which would reduce the debt by about 67-70 per cent. Nevertheless, the prerequisite for eligibility was an increase in the share of the social sectors in the State budget. From 1981 onward, adjustment policies were applied in conjunction with the IMF (enlarged facility agreement, 1981-1983; structural adjustment loan from the World Bank, 1981-1983). On a number of occasions the external debt of Côte d'Ivoire has been rescheduled, particularly by the Paris Club (18 December 1987 and March 1998).

17. Despite a high economic growth rate (6 per cent in 1997), poverty continues to cause concern. Indeed, gross income per household fell by 30 per cent between 1986 and 1991. This leads to a continuous reduction in the living standard of households in a context where social expenditure by the State is undergoing a parallel reduction. The deadline in the standard of living is all the more marked because unemployment has increased considerably in recent years (6.7 per cent), not to mention the underemployment and hidden unemployment in the informal sector. Under these circumstances it is

easy to understand the difficulty that families are experiencing in providing long-term schooling for their children and providing them with proper food and health care.

18. A Survey on the impact of devaluation on the vulnerable populations of Abidjan[1] shows that the devaluation of the CFA franc (on 11 January 1994) had an enormous influence on the habits and behaviour of households with regard to food. It was found that 62 per cent of households in the 10 communes of Abidjan eat three meals a day; 28 per cent eat only two; while up to 10 per cent of households only manage to eat one meal a day. For 38 per cent of households, the devaluation led to a change in the number of meals per day; the reasons behind this change are the rise in the price of foodstuffs (13 per cent) and the drop in income (12 per cent).

19. There has been a revision of the household shopping list for 68 per cent of households, which no longer buy the same products as before devaluation. Obviously, the vulnerable household has no means of maintaining its level of social expenditure; in order to survive when faced by a fall in income and an increase in expenditure, it has to make a choice in favour of food and to the detriment of health, children's education and housing. As regards education, 28.2 per cent of households spent nothing at all, while 25.2 per cent spent less than 5,000 CFA francs per month. With regard to health, 28.3 per cent of households spent nothing at all and 28.6 per cent spent less than 5,000 CFA francs per month.

20. This strategy adopted by households should lead the Government to revise its social policy by improving its drugs policy and by facilitating access to primary health care so as to counter the marked trend to resort to informal medicine and self-medication. Similarly, it should promote access to education and housing in order to assist poor households to improve their living conditions.

II. GENERAL POLITICAL STRUCTURE

21. The territory of Côte d'Ivoire became a French colony by a decree of 10 March 1893. The colonial period was marked by intense trade union and political activity. The African Agricultural Union was set up on 3 July 1944 to defend the interests of African planters. The Democratic Party of Côte d'Ivoire (PDCI) was founded on 9 April 1946, while the African Democratic Union (RDA) was founded on 18 October 1946. The PDCI later became a subsection of the RDA. In 1958 Côte d'Ivoire became a republic within the French Community. It achieved independence on 7 August 1960.

22. From independence until 1990 Côte d'Ivoire, under its leader Félix Houphouët-Boigny, Chairman of the PDCI-RDA, was a one-party State. However, under popular pressure the President of the Republic proclaimed a return to multi-party democracy on 30 April 1990 in accordance with article 7 of the Constitution of 3 November 1960.

23. Following the elections of October 1990, the new National Assembly saw the arrival of two opposition parties alongside the PDCI: the Ivorian Popular Front (FPI), with nine deputies and the Ivorian Workers' Party (PIT), with one deputy.

24. The authorities displayed flexibility in authorizing the creation of parliamentary opposition group. Moreover, on 6 November 1990 the head of State for the first time appointed a Prime Minister, who is responsible to the President.

25. On 7 December 1993, following the death of President Félix Houphouët-Boigny, the President of the National Assembly, Henri Konan Bédié, assumed the presidency in accordance with article 11

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[1] UNICEF-African Development Bank, "Enquête sur l'impact de la dévaluation sur les populations vulnérables d'Abidjan", Cahiers d'analyse des politiques économiques du CIRES, CIRES/CAPEC, 1994.

of the Constitution. He combined the functions of President of the Republic with the leadership of his party, the PDCI-RDA. In the 1995 presidential elections the constitutional successor stood as his party's candidate and was elected for the first time by the Ivorian people.

26. Article 2 of the Constitution stipulates that the Republic of Côte d'Ivoire is one and indivisible, secular, democratic and social. The Constitution guarantees the separation of the three powers: executive, legislature and judiciary. Executive power is in the hands of the President of the Republic, who is elected by direct universal suffrage for five years and may be re-elected; he is the Head of State and appoints the Prime Minister who is the head of Government. It should be noted that since 1993 the Government has included a minister from an opposition party, the Social Democratic Union (USD).

27. The National Assembly is made up of representatives of the people who since 1980 have been elected for five years by direct universal suffrage. Since the last legislative elections three parliamentary groups have been represented in the Assembly: the PDCI, the party in power (149 seats), the FPI and the Union of Republicans (RDR) (13 seats apiece).

28. The Constitutional council created by an Act of 16 August 1994 is responsible for electoral matters (presidential and legislative elections) and for the verification of constitutionality, which was previously the prerogative of the Supreme Court. Referral to the Constitutional Council for the verification of the constitutionality of laws is the sole prerogative of the President of the Republic and the President of the National Assembly.

29. A National Security Council was set up in 1997. Its purpose is to combat insecurity.

III. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

A. The Constitution or Basic Law

30. The Constitution accords Ivorian citizens the rights and liberties that they exercise under the supervision of the judicial authority. The judicial authority, as the guardian of individual freedom, ensures respect for fundamental rights under the conditions laid down by law.

31. The initiative for amnesty laws lies with the President of the Republic conjointly with the National Assembly; the President has the right to issue pardons. Pardon decrees have regularly been issued on the eve of the National Festival. A number of amnesty laws were passed on the President's initiative in 1985, 1992 and 1994. The last of these, granting amnesty for various offences committed by women and persons under 18 years of age, exclusively concerned these two groups (Act No. 94-499 of 6 September 1994).

B. Legal remedies

32. Any person who believes that his or her rights have been infringed may apply to the competent courts. The judicial system, which has traditionally been based on the principle of two hearings and jurisdictional unity, is undergoing substantial changes. The effect of the reforms in progress is to make the Supreme Court into a third level of jurisdiction. Attention is drawn to the introduction of collegial responsibility in the courts of first instance, which constitutes an additional safeguard for the citizen.

33. The lower courts and their separate divisions are competent in the first instance in all civil, commercial and administrative matters unless otherwise provided by the law, particularly in the case

of annulment proceedings which come within the jurisdiction of the Administrative Division of the Supreme Court.

34. Any person who believes that he or she has been wronged by the decision of the court of first instance may take the matter to the Court of Appeal, which decides in the second instance. A litigant who is dissatisfied with the decisions of the lower courts may take the case to the Supreme Court of Côte d'Ivoire, the highest court which supervises and harmonizes the application and interpretation of the law in all cases. It comprises three divisions: the Judicial Division, the Administrative Division and the Audit Division. The Administrative Division has jurisdiction not only in illegality proceedings but also in proceedings concerning municipal elections or administrative bodies.

35. Although legal remedies do exist, their application is subject to compliance with certain conditions that exclude the child. The child must be represented by an adult.

36. The victim of an injury may claim damages in compensation for the injury he or she has suffered. However, there are restrictions in respect of certain laws, such as the code of the Conference on the Insurance Market (CIMA code) in which the amount is already fixed. A compensation system exists for the victims of judicial errors or for acquitted individuals who receive indemnities and assistance from the State.

C. Rights established by the various international human rights instruments

37. Côte d'Ivoire has ratified several international legal instruments. In the preamble to the 1960 Constitution it proclaims its adherence to the principle of democracy and human rights embodied in the French Declaration of the Rights of Man and Citizen of 1789 and the Universal Declaration of Human Rights of 1948.

38. Côte d'Ivoire has ratified the following international instruments:

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984;
- African Charter on Human and Peoples' Rights of 1981;
- International covenants of 1966;
- Geneva Convention of 1949;
- Convention on the Elimination of All Forms of Discrimination against Women of 1979;
- Convention on the Rights of the Child of 1989.

39. Departures from the fundamental rights provided for by the Constitution relate to the restrictions placed on public freedoms (police measures, etc.).

D. Human rights instruments and national legislation

40. A number of international instruments protecting human rights are now used as a source of national laws. Accordingly, in accordance with articles 28 and 29 of the Convention on the Rights of the Child, the Ivorian legislative adopted the Education Act of 7 September 1995 which embraces the objectives of education contained in the Convention although it does not make primary education compulsory. There is a national education and training plan which encourages parents to send their children to school, especially girls.

41. The new Labour Code of 12 January 1995 regulates the working conditions of women and children (chapter 3, articles 23-1 to 23-9) in accordance with article 32 of the Convention. Implementing decrees regulate the fee-charging employment agencies and strengthen the supervision

of the application of social laws, particularly as regards working conditions, professional relationships and employment.

42. The Armed Forces Code of 7 September 1995 defines the general status of military personnel, establishes a minimum age (18 years) for compulsory national service (article 82) and prohibits acts contrary to international law governing armed conflicts.

E. Human rights instruments and national judicial bodies and/or administrative authorities

43. In the hierarchy of international standards, the various human rights instruments take precedence over domestic law as soon as they are published (article 56 of the Constitution). These instruments may be invoked before the courts or administrative authorities. In cases where they are not specifically referred to in the legislation, they are still a point of reference in substantiating the decisions taken. Accordingly, although the African Charter on the Rights and Welfare of the Child has not been ratified by Côte d'Ivoire, it is widely quoted in the National Action Programme for the Survival, Protection and Development of the Ivorian Child for the Year 2000.

44. The principles of non-discrimination and the best interests of the child underlie the decisions of the civil courts concerning the education, custody, maintenance and health care of the child.

F. National bodies

45. The promotion of human rights is undertaken by a number of bodies, including:

Ivorian League for Human Rights (LIDHO);
Amnesty International (Côte d'Ivoire section);
Study and Research Group on Democracy and Economic and Social Development in Côte d'Ivoire (GERDDES-CI);
Ivorian Democratic Women's Movement (MIFED);
Ivorian Association for the Protection of Women's Rights (AIDF);
Association of Women Lawyers of Côte d'Ivoire (AFJCI);
National Association for Assistance to Prisoners (ANAP);
Prisonniers sans Frontière;
Hope Committee;
Association for Assistance to Female Prisoners (AAFD).

46. A number of bodies specialize in the development and protection of the child. These include:

International Catholic Child Bureau (ICCB Côte d'Ivoire);
Association of Catholic Scouts of Côte d'Ivoire (ASCCI);
Port-Bouët pilot centre;
Ivorian Committee for the Decade of the African Child (CIDEA);
Children's Parliament;
ABEL-LVIA Community;
"NAMANS" Association;
Médecins du Monde;
Pan-African Ki-Yi Training Centre;
Youth and Childhood Association of Côte d'Ivoire (AJECI);
National Federation of Associations and Movements for Continuous Education in Côte d'Ivoire (FENAMEPCI).

IV. INFORMATION AND PUBLICITY

A. Action carried out

47. In accordance with article 42 of the Convention on the Rights of the Child, specific action has been taken to make the Convention widely known. Seminars and workshops, conferences, meetings and a variety of cultural and leisure activities have been organized to raise the awareness of the authorities, the public and children themselves concerning the problems of childhood and to make the Convention known.

1. Seminars and workshops

48. The following meetings have taken place:

(a) "Children in difficulties: what is the best policy for social integration and reintegration" (Abidjan, 25-26 July 1996): the objective of this meeting was to review the situation of children in extremely difficult circumstances in order to propose solutions to the Government;

(b) "Publicizing the Convention on the Rights of the Child" (Abidjan, 10-12 March 1997): the objective was to make the Convention accessible to social workers and the various partners concerned;

(c) "Sexual exploitation of children for commercial purposes" (Abidjan, 7-8 October 1997); this was a follow-up to the World Summit in Stockholm;

(d) "Juvenile courts" (4 February 1994), organized by the Ministry of Justice and Public Freedoms for the benefit of magistrates;

(e) "Child employment" (February 1997), organized by the Monitoring Unit for Employment, Trades and Training.

2. Conferences and forums

49. The following conferences have been held:

(a) "Knowledge of the international instruments and provisions for monitoring the Convention on the Rights of the Child" (Abidjan, 10 March 1997);

(b) "The situation of street children" (Attinguié, 5 February 1997);

(c) "The advancement of women and children's rights" (Abidjan-Plateau, 9 March 1997);

(d) "Legal protection for children" (Katiola, 31 May 1997);

(e) "Parents and children: let's listen to each other" (forum organized by the International Catholic Child Bureau (ICCB)) in 1997.

3. Information meetings with various sectors of society

50. The Ministry for Family Affairs and the Advancement of Women has held several meetings with various partners in order to seek their active involvement in the strategy for combating the problem of street children (leaders of NGOs and religious organizations, mayors of the 10 communes

of the city of Abidjan, resident representatives of international organizations, etc.). Other meetings are planned in various parts of the country.

4. Contacts with various ministerial departments

51. These are the ministries involved in the programme to combat the problem of street children (see Decree No. 97-613 of 16 October 1997 on the creation, organization and operation of the national multidisciplinary committee to combat the problem of street children).

5. The "family caravan"

52. This a close-quarters awareness creation activity which sets out to inform, educate and warn young people about the perils that lurk in our society. In 1997, 13,553 young people in 14 high schools and four training and education institutes for girls (IFEF) were reached in this way.

6. Day of the African Child

53. The celebration of this Day gave the Ministry for Family Affairs and the Advancement of Women an opportunity to promote "the registration of births immediately after birth", a topic suggested by article 7 of the Convention on the Rights of the Child.

54. The above activities should continue and above all should form part of a national programme for publicizing the Convention on the Rights of the Child.

B. The targets

55. The targets of awareness creation activities are the governmental authorities, social workers, non-governmental organizations, media professionals, parents and children.

C. The channels

56. Apart from occasional brief events covered by the media (seminars, workshops, etc.), the Convention on the Rights of the Child is not the subject of a genuine campaign aimed at making everyone aware of the need to pay more attention to the situation of children. Besides the mass media (television, radio, press), prominence has been given to person-to-person communication. The various national bodies responsible for information, education and communication (IEC) need to make greater efforts to promote the Convention.

D. Towards an appropriate communication policy

57. It must be recognized that the publicizing of the Convention on the Rights of the Child among the public is liable to encounter resistance linked to certain sensitivities and mentalities. Despite the important place granted to the child in Africa, the question of the rights of the child does not receive the spontaneous support of adults, who perceive it as an imported idea. The wisest course would therefore be to deliberately exploit the deep affection for the child that is found in our cultures, whatever the socio-linguistic setting.

58. In his book *L'enfant dans les traditions africaines* (*The child in African traditions*) Abdou Touré writes:

> "Throughout Africa and particularly in Côte d'Ivoire the child is regarded as a gift from God, a blessing, indeed a source of happiness because he enables life on earth to be perpetuated because he is the incarnation of some ancestor who has returned to be with his own, because he

prevents death from gaining a final victory over the human species ... The child is the greatest of blessings.

"A materially rich and politically powerful African will feel handicapped or frankly unhappy if he has no offspring. The childless woman is even more unhappy; she may be repudiated for sterility, a condition that is invariably attributed to the woman, never to the man. If the woman, the bearer of life, remains infertile, then the whole lineage is threatened, to such a point that some ethnic groups regard the woman as the greatest of blessings because she gives birth to the blessing of the human race. In reality, the child is and remains the supreme blessing, who confers upon the woman (the mother) all her worth and makes her an object of veneration throughout black Africa. A woman without a child is therefore not a woman".

This is another form of injustice, an infringement of the rights and dignity of women which demonstrates the importance on the Convention of the Elimination of All Forms of Discrimination against Women.

59. In drawing up a genuine communication plan, specific objectives need to be determined at the outset. First of all, prominence should be given to the concept of the duties of the child. This stage could be the subject of an extensive nationwide campaign lasting at least six months on such topical and sensitive subjects as respect for family values, the importance of school, prostitution, drugs, alcoholism, dangers in the streets, etc. This first stage, essentially directed at the younger population, should be evaluated before moving on to the second stage which deals with the concept of the rights of the child.

60. Since the main target of this stage consists of adults, the campaign topics should highlight the dangers threatening the child, while at the same time stressing the duties of parents: education, health care, moral and physical integrity of the child, etc. This second activity should also be evaluated after six months. Awareness creation campaigns should be permanent, and not occasional as is currently the case, since the modification of attitudes and behaviours requires the implementation of bold long-term strategies. Here the dissemination channels have a very decisive role to play.

61. Besides the customary media (radio, television, posters, press), it is essential to make use of other resources, including school materials such as textbooks and notebooks, which have the advantage of ensuring greater exposure of the child target to the message. Networks of person-to-person communication are also highly effective; examples are drama, scouting activities which are very widespread, panel discussions and religious education.

62. There is no doubt that a concerted awareness creation policy on the part of the staff at the Ministry of Communication and the Ministry for Family Affairs and the Advancement of Women who are responsible for promoting Convention would produce a definite impact. At the same time, the mass media, non-governmental organizations, local councillors and local communities should make a firm commitment to publicize the Convention, making use of all possible resources: posters in schools and universities, billboards, mobile awareness creation units visiting towns and villages. The national languages and French should be the languages of communication.

63. Translation into national languages might be considered in order to facilitate the publicizing of the Convention on the Rights of the Child. This would make it possible to reach the maximum number of people and conduct a positive evaluation.

64. It is essential that the populations themselves should make the concept of rights of the child thier own, so that the issue of origin no longer arises and the communities become genuinely involved in what they see as their own initiative.

65. The messages themselves should take into account the social setting and the vocabulary and comprehension skills of the people on whom they are directed. The source of the message is just as important as the channel. People are generally highly receptive to statements by people with whom they identify, those who seem close to them. Depending on the targets, therefore, the principal message-bearers should be opinion leaders, prescribers, advisers (politicians, intellectuals, village chiefs, religious leaders) or people whose status and role bring them close to children such as teachers, educators and NGO training staff. The children themselves should take part in the various awareness creation campaigns.

66. Finally, to make the messages more credible it would be helpful to draw the attention of the various target groups to the existence of the national and international texts concerning the rights and duties of the child.

E. Government bodies responsible for drafting the report

67. For its initial report to the Committee on the Rights of the Child, Côte d'Ivoire set up a national committee to coordinate and monitor the plan of action for drafting the report of Côte d'Ivoire by Decree No. 96/197 of 7 March 1997. In order to implement the Convention, the Committee has the task of coordinating the drafting of the initial report of Côte d'Ivoire to the Committee on the Rights of the Child, together with the periodic reports referred to in article 44 of the Convention. It is chaired by the Minister for Family Affairs and the Advancement of Women. Its secretariat is provided by the Ministries of Foreign Affairs, Justice and Public Freedoms, Public Health, Employment, Civil Service and Social Welfare, and National Education and Basic Training. In accordance with article 4 of the Decree of 7 March 1996, the drafting committee comprises all the ministries concerned by child issues, parliamentarians, representatives of international organizations, and associations and non-governmental organizations concerned with the survival, development and protection of the child. In addition to the statutory members, a number of resource persons took an active part in drafting this report.

Part Two

Implementation of the Convention

I. GENERAL MEASURES OF IMPLEMENTATION

68. A large number of obligations arise for the country out of the ratification of the Convention on the Rights of the Child. In particular they include:

(a) The obligation to ensure conformity of domestic legislation with the provisions of the Convention by drafting laws and regulations to protect the rights of the child;

(b) The obligation to conduct activities in all areas concerning the child in order to promote the survival, protection and development of the child;

(c) the obligation to provide the Committee on the Rights of the Child with an initial report and with periodic reports every five years.

69. Côte d'Ivoire has adopted a number of provisions concerning the first two points.

A. Measures taken

70. Côte d'Ivoire took little time to ratify the Convention since its domestic law on childhood was in harmony with the majority of the provisions of the Convention. The relevant domestic instruments include:

(a) the Constitution of 3 November 1960;

(b) the civil Acts of 7 October 1964 governing the rights of persons and the family, amended in 1983, and the Act of 3 August 1970 on minority;

(c) the Penal Code of 31 July 1981, the Code of Criminal Procedure;

(d) the Code of Social Welfare, Act No. 68-595 of 20 December 1968 as amended by Acts No. 71-332 of 12 July 1971, No. 88-1115 of 29 November 1988 and No. 94-436 of 16 August 1994;

(e) the Act of 1 August 1964 establishing the code of drinking establishments, particularly its provisions protecting the minor against alcohol abuse;

(f) Act No. 88-686 of 22 July 1988 concerning the suppression of traffic in and illicit use of narcotics and psychotropic substances;

(g) Decree No. 72-747 of 24 November 1972 concerning the regulation and control of films and sound recordings.

Although these provisions, which predated the Convention, were relatively satisfactory they were inadequately applied and did not take all aspects of child protection into account.

71. Since the ratification of the Convention on the Rights of the Child some new legislation has been drafted and other international instruments have been ratified, reflecting the will of the Ivorian authorities to have legislation that is still more in conformity with the provisions of the Convention. The principal texts concerned are:

(a) Act No. 90-0437 of 29 May 1990 on the entry and residence of foreigners in Côte d'Ivoire and the implementing decree of 20 October 1991;

(b) Act No. 91-883 of 27 October 1991 authorizing Côte d'Ivoire to accede to the international covenants on human rights of 16 December 1966 and Decrees No. 91-884 and No. 91-885 of 27 September 1991 concerning the accession of Côte d'Ivoire to those covenants;

(c) Act No. 91-886 of 27 September 1991 authorizing Côte d'Ivoire to accede to the African Charter on Human and Peoples' Rights and the accession decree of 27 September 1991;

(d) Act No. 91-1033 of 31 December 1991 on the regulation of the press;

(e) Act No. 92-464 of 30 July 1992 on the suppression of certain forms of violence. Article 2 makes it severely punishable for the organizers of demonstrations to incite persons under 13 years of age to commit acts of violence, or assault on persons or destruction and damaging of property;

(f) Act No. 95-15 of 12 January 1995 on the Labour Code.

Some of these laws are applied, but others are not because the majority of the population are unaware of them.

72. The structures and institutions for implementing the legislative measures adopted are inadequate. For example, the only reception centres for the provision of educational assistance measures as part of the treatment and prevention of juvenile delinquency are those in Abidjan, Dabou and Bouaké.

73. The existing institutions are not properly operational because they lack adequate material and human resources. Compliance with the provisions of the domestic laws and the 1989 Convention on the Rights of the Child requires the reform of domestic legislation, the construction of certain items of infrastructure and, above all, public information and heightening of public awareness.

B. Conformity of domestic laws with the Convention

74. An unpublished study by Professor Kouadio Yao entitled "Comparative study of the Convention on the Rights of the Child and the legislation in force in Côte d'Ivoire" concludes that legislation to protect the child is plentiful but inadequately applied and presents proposals concerning the effective application of the Convention.

75. While the majority of Ivorian legislation concerning children is in conformity with the provisions of the Convention, it has to be acknowledged that it differs from them in certain areas. For example:

(a) the possibility under Ivorian criminal law of condemning a minor to death unless the fact of minority is accepted as a ground for mitigation;

(b) with regard to the right to education, Ivorian Act No. 95-685 of 7 September 1995 on education does not make schooling compulsory;

(c) Act No. 64-375 of 7 October 1964 on marriage sets different ages of marriage for boys and girls, contrary to the principle of non-discrimination set forth in the Convention;

(d) Ivorian law recognizes the right to social security only for the children of wage-earners and civil servants, contrary to article 26 of the Convention on the Rights of the Child.
This list is not exhaustive.

76. It is of paramount importance to publicize the Convention and the domestic legislation among the population, since information is one of the essential guarantees of the application of the provisions of the Convention. Such action should continue and should above all form part of a national programme to publicize the Convention on the Rights of the Child and the domestic legislative texts.

II. DEFINITION OF THE CHILD

77. Article 1 of the Convention defines a child as every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.

A. Civil and criminal minority

78. Ivorian legislation recognizes two types of minority: minority in civil matters and minority in criminal matters. For the purposes of criminal law, article 14 of the Ivorian Penal Code (Act No. 81-640 of 31 July 1981) defines the minor as any person below the age of 18 years at the time the offence is committed. Civil majority is attained later, at the age of 21 years, according to article 1 of Act No. 70-483 of 3 August 1970 on minority. In order to bring these domestic provisions into

conformity with article 1 of the Convention, it is desirable to establish both civil and criminal majority at 18 years.

79. From the analysis of the legislation in force it is not possible to determine a fixed minimum legal age for consulting a lawyer or a doctor without parental consent. Physicians customarily accept schoolchildren or students under 21 years of age for health care without the parents' consent when the procedures performed are not serious. However, in the case of surgical or specialist care, parental consent is required. Similarly, the child may consult a lawyer when under the age of 21 without the consent of his or her legal representatives. However, since the child does not enjoy legal capacity, he or she cannot appear in court unless assisted by a legal representative. There is also an economic obstacle to the free consultation of a lawyer or physician, since the child generally lacks the personal resources to meet the costs of medical care or legal action.

80. Article 81 of the Minority Act of 3 August 1970 stipulates that only the parent, even if a minor, is qualified to represent his or her children before the courts. In criminal cases the parent may make use of the legal assistance provided for by law. Indeed, article 769 of the Code of Criminal Procedure obliges the juvenile magistrate to appoint counsel for a delinquent minor if the child's parents have not elected to do so. In any case, emphasis must be laid on the existence of the emancipation procedure which gives the minor full capacity to perform the acts of civil life on the same footing as an adult.

81. Although the Ivorian Government has long made education for all a priority, it has not established a fixed age for the end of compulsory schooling. As a result, many children find themselves on the streets without having completed primary education. In order to comply with articles 28, 29 and 32 of the Convention, which set forth the right of the child to education and occupational training, Act No. 95-685 of 7 September 1995 on education should be amended to make education compulsory and free for all up to the age of 16 years.

82. The implementation of a policy of occupational training in crafts and trades for children who complete primary education and the first part of secondary education, but who have neither the wish nor the necessary intellectual ability to undertake higher education, would reduce the number of street children.

83. Provision of an adequate number of schools, together with assistance for underprivileged parents and regions, would make it possible to ensure access to education for all, not to mention literacy education for those who have not attended school. At the present time, the reduction in registration fees in public educational establishments, the construction of new teaching establishments by local communities and by the Government, with support from the African Development Bank and UNICEF, and the supply of school textbooks by national and international NGOs, reflect the wish of the Government to provide education for all.

B. Employment

84. Côte d'Ivoire regulates the admission of young people to employment. The minimum age fixed by the Labour Code of 1995 (Act No. 95-15 of 12 January 1995) for admission of young people to employment or apprenticeship is 14 years (art. 23-8).

85. Article 31 of the 1970 Minority Act requires the involvement of the child's parents or legal representative in the concluding of an employment contract, either by signing it on the child's behalf up to the age of 16 years or by attending as a witness between the ages of 16 and 18 years, after which age the child is completely free to conclude an employment contract alone.

86. In reality the lack of training, the failure to match training to jobs and the persistent economic crisis lead to high unemployment among young people. Some of them resort to the informal sector.

Moreover, the abdication of parental responsibility and inadequate action by the public authorities lead to the exploitation of children in the labour sector. Some children under the age of 14 years go to work with or without the parents' consent. Similarly, article 23-9 of the Labour Code protecting the health and development of the child is being infringed since many children perform arduous and hazardous tasks.

87. The exploitation of child labour on account of poverty is on the increase in the cities and some rural areas. Children are involved in the production of both goods and services: carpentry, catering, crafts, street trading, domestic work, engineering, mining, etc. A study by a non-governmental organization, Defence for Children International, entitled "Child labour in the mines of Côte d'Ivoire, illustrated by the Tortiya and Issia mines" (in French) shows that 1,150 children are working in the Issia gold mine and Tortiya diamond mine.

88. This child labour is particularly arduous since it involves long hours and night work in violation of both the Convention and domestic legislation, in particular the Labour Code which restricts the child's working hours to eight hours a day and expressly prohibits night work (art. 22-2). The situation is still worse in the case of girls, who are exploited sexually as well as economically. The parents need to be informed of the labour legislation and made aware of the risks incurred by child workers.

89. The Inspectorate of Labour and Social Laws needs to be provided with the material and human resources to enable it to carry out effective monitoring of child labour and employment agencies; offenders should be reported and punished. The legislature should introduce more severe penalties to strengthen the suppression of the economic exploitation of children. The part-time employment of children below the age of 16 years in a job that does not involve much risk may be tolerated. However, the regulations concerning full-time employment must be better respected and employment in hazardous jobs strictly prohibited.

C. Consent

1. General considerations

90. Generally speaking, the consent of the child is required for any act affecting his or her status and person (art. 29 of the 1970 Minority Act). Personal consent is required for marriage, even from minors (art. 3 of Act No. 64-375 of 7 October 1964 on marriage, as amended by Act No. 83-800 of 2 August 1983). Article 5 of this Act requires the consent of the father and mother or legal representative for a spouse below 21 years of age. Similarly, as regards adoption, a minor over 16 years of age must personally consent to his or her adoption (art. 6 of the Adoption Act of 7 October 1964). The minor does not therefore enjoy complete freedom because his or her consent alone is not sufficient. The personal consent of spouses, even if minors, puts an end to forced marriages. However, this phenomenon still persists in violation of the law, with tragic consequences.

2. Consent to sexual relations

91. Consent is required for sexual relations, from children just as from adults. However, because of their youth children enjoy special protection from the law. The actions of paedophiles, sometimes compounded with incest, are regarded as particularly serious offences against morality and the child's health and are severely punished by the Penal Code under various heads. In order to bring the national legislation into conformity with articles 34 and 35 of the Convention, all acts of sexual violence committed against children should be made into offences in their own right.

3. Voluntary enlistment in the armed forces and call-up for military service

92. Article 82 of Act No. 95-965 of 7 September 1995 concerning the Armed Forces Code establishes the age of national service for young men and young women as 18 years. A postponement or exemption may be granted (art. 88) for school or university reasons. The age of voluntary enlistment is fixed at 18 years.

D. Justice

93. A minor becomes responsible for criminal acts on reaching 10 years of age (art. 116 of the Penal Code). In civil matters, offences and acts of negligence render the minor financially liable. A minor below the age of 16 years who is called upon to give evidence in court does not take the oath. In all cases a child appearing before the criminal courts enjoys protection. He or she must always be assisted by counsel or a legal representative (art. 767 of the Code of Criminal Procedure). A child who commits an offence is tried by specific juvenile courts separate from those for adults.

94. The measures applied to the child should be predominantly educational, penalties being exceptional and justified by the child's personality and the seriousness of the offences (art. 757 of the Code of Criminal Procedure). Any child who has to be deprived of liberty receives special treatment (articles 33 to 36 of Decree No. 69-189 of 14 May 1969 governing penal establishments and laying down the conditions for the enforcement of penalties). This special treatment gives prominence to education. Children who are deprived of liberty must be kept separate from adults and should receive a healthy diet suited to their condition.

95. In the present state of the law, whereby the courts have the possibility of rejecting the mitigating factor of minority after the age of 16 years, a minor who has reached this age may be sentenced to death. In practice, however, minority has always been accepted as a ground for mitigation and the death penalty has never been applied against children. Nevertheless, in order to bring about complete harmony with the Convention on this subject the death penalty should be removed from the judicial penalties applicable to children.

96. With regard to children in extremely difficult circumstances or in danger (physical or moral) articles 10 et.seq. of the 1970 Minority Act provide for educational assistance measures in cases where the child's health, education, morality or safety are seriously jeopardized, whether through the child's own fault or on account of the immorality or incapacity of the parents or guardians. The child should then be placed with the parent who did not have custody, with a trustworthy third party or in a reception centre. This desirable situation exists only in theory. In practice the lack of material and human resources makes it difficult to implement such measures. There are only two observation centres in Côte d'Ivoire, one in Bouaké and one in Abidjan; they are located within local prisons. There is a public socio-educational centre at Dabou, and a private centre at Bassam.

97. It is not always possible to separate minors from adults. The supervision of minors, which ought to be carried out by specialist educators, is attended to by prison warders assisted by a few social workers (social assistants) and NGO volunteers. Although imprisonment should be the exception, it is becoming the rule since there are not enough reception centres and personnel to supervise of minors in an open setting. Because of this the judicial authorities have become involved in partnership activities with the NGOs working with children.

E. Consumption of alcohol and other regulated substances

98. It is forbidden to serve alcoholic drinks to minors according to the provisions concerning the protection of minors against alcohol abuse of the Public Sale of Beverages Code of 1 August 1964. The rules are not obeyed, however, and alcoholic drinks are offered for sale even in the vicinity of

schools. Minors also work in bars, popular restaurants known as "*maquis*" and nightclubs, where they consume alcoholic beverages. The owners of such establishments may be prosecuted under the Penal Code and the Public Sale of Beverages Code.

99. Article 2 of Act No. 88-686 of 22 July 1988 banning all illegal traffic in narcotics and other psychotropic substances imposes very severe penalties on anyone facilitating the use of drugs by minors or using children for the drugs traffic. Where alcohol and tobacco are concerned, the sponsoring of sporting and cultural activities by cigarette and drinks manufacturers makes it difficult to outlaw advertising of these substances. Once again, the law is powerless in the face of the passivity of parents, ignorance of the law and the absence of controls.

III. LIBERTIES AND CIVIL RIGHTS

100. The right to liberty and the civil rights of all citizens are recognized under the Constitution of 3 November 1960 and the International Covenant on Civil and Political Rights, ratified and published under Decree No. 91-885 of 21 December 1991. The Covenant specifically recognizes these rights for children.

A. Name and preservation of identity.

101. Under Act No. 64-373 of 7 October 1964 on naming, article 1, all children, regardless of filiation, whether legitimate, natural or adulterine, are entitled to a name and to one or more first names. Since names individualize persons and give them a personal identity, they may only be changed under very strict conditions. Under the terms of Act No. 64-374 of 7 October 1964, as amended by Act No. 83-799 of 2 August 1983 on civil status, every birth must be registered within 15 days. Any act adversely affecting the civil status of a child by destruction, fraudulent modification or suppression, constitutes an offence punishable with up to 10 years' imprisonment (article 386 of the Penal Code).

102. In practice, however, these rules are regularly flouted. Births are not declared within the legal time limits and registers are badly kept, as a result of which many children are deprived of their right to a name and identities are assumed by third parties. If a birth registration is delayed, parents are reluctant to proceed at all owing to unavoidable, complicated and costly legal procedures.

103. Civil status would be better protected if registers were well kept. In this respect, the Ministry of Public Health should cooperate with the Ministry of the Interior and National Integration, which is in charge of local authorities, and should provide the latter Ministry with information concerning births and deaths.

104. Several measures have been taken, such as a public information campaign on the need to register births at the time of birth, conducted on the occasion of the Day of the African Child, on 16 June 1997.

B. Nationality

105. The terms under which Ivorian nationality may be acquired or lost are specified in Act No. 61-415 of 14 December 1961 on the Nationality Code, as amended by Act. No. 72-852 of 21 December 1972. Any legitimate, legitimated or natural child, born either in Côte d'Ivoire or abroad of Ivorian parents, is entitled to Ivorian nationality (articles 6 and 7 of the Nationality Act). Any foreign child who is adopted by an Ivorian national becomes Ivorian (new article 11). A foreign woman who marries an Ivorian acquires Ivorian nationality, unless she refuses (art. 13) or the marriage is annulled (art. 16).

106. Ivorian nationality may also be acquired by decision of the public authority, either through naturalization or through reintegration (art. 24). The five-year residence condition required of adults applying for naturalization does not apply to minors. Thus a foreign child born in Côte d'Ivoire may acquire Ivorian nationality if the parents have already obtained it or by applying at the age of 18 (arts. 28, 29 and 30). Reintegration is granted at any age to a person previously holding Ivorian nationality (art. 34 et seq.).

107. Every child born in Côte d'Ivoire therefore has a nationality. If at least one of the parents is an Ivorian national, any child born in Côte d'Ivoire or abroad is entitled to Ivorian nationality and related rights (civil and political).

C. Access to information

108. In this area, official policy has been expressed through the issue of laws and regulations protecting children against information and communication abuse by the press and other media. Thus, under Act No. 91-1033 of 31 December 1991 governing the press, particularly section IX concerning publications for young people, children are protected against press abuse, which is severely punished. A national commission for the supervision of youth publications was also planned under the Act, but never implemented. In addition, Decree No. 72-747 of 24 November 1992 protects children against immoral and violent films.

109. Children's access to sound information is made difficult, however, by the lack of specialized publications, the lack of control over audio-visual productions and the proliferation of video clubs. Some media firms, more concerned with audience ratings and marketing, tend to disregard legal rules. While the media do devote a few articles and broadcasts to children, the output is insufficient. The State should undertake a real information and awareness campaign to inform children of their right to sound information.

D. Freedom of association and peaceful assembly

110. This right is provided under the Constitution of 3 November 1960 and any infringements are punished by the Penal Code (art. 185). Under the terms of Act No. 60-315 of 21 September 1960 concerning associations, any person is free to create an association, subject to observing the general principles governing contracts. Many NGOs dealing with childhood have been operating under this Act. Children without legal capacity, however, cannot create associations (article 1 of the Associations Act). This means they can only belong to associations created by adults, such as the Catholic Scouts Association and Children's Parliament.

111. The Children's Parliament, which was set up in 1992 after the World Summit for Children held in New York on 29 and 30 September 1990, is made up of young people from 10 communes of the towns of Abidjan, Bouaké, Jacqueville, Bondoukou and Daloa. This association, which is run by young people under 21 years of age and supervised by adults, organizes seminars and forums and the Day of the Ivorian Child.

112. Under the authority of the Ministry of the Interior and National Integration, many associations actively working for children help to prepare and implement projects initiated by the Government. While such associations are set up by adults, they provide young people with an opportunity to express themselves freely, to give their views and to take part in the life of the nation through activities suitable for their age.

113. Under the 1989 Convention, children enjoy the right to freedom of association. Freedom of peaceful assembly is a universal right that extends to children provided they do not disturb the peace.

E. Protection of privacy

114. Children and adults alike are entitled to the protection of their privacy. This right is recognized under the Constitution of 3 November 1960 and any unlawful interference with a child's home or correspondence is punishable under the Penal Code. Attacks on children's honour are punishable under the 1991 Press Act. Since children do not have their own residence apart from that of their legal representatives or the means of ensuring respect for their privacy, the protection of this right must be ensured by their parents and by the State.

F. Right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment

115. This right is protected by the Code of Criminal Procedure in its provisions concerning juvenile delinquency and by the Decree of 14 May 1969 regulating prisons and establishing conditions for the enforcement of prison sentences. Under this legislation, minors are dealt with by special courts and procedures. Preference is given to educational measures, avoiding penal sanctions as far as possible and prescribing detention in conditions that are favourable to education and training.

116. Côte d'Ivoire has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The lynching of thieves by the crowd, unlawful police acts and lengthy police custody are considered to be infringements of this right. Similarly, in many prisons, the cohabitation of minors and adults, unhealthy conditions, non-existent or insufficient supervision of minors and idleness remain matters of concern.

117. Children in conflict with the law should be better protected with the introduction of children's police brigades throughout the country, the observance of a maximum 48-hour detention in police custody for minors and the presence of lawyers at the preliminary investigation. A bill to authorize the presence of lawyers at preliminary investigations has been submitted to the National Assembly by the Minister of Justice and Public Liberties.

118. Côte d'Ivoire is also expected to ratify the African Charter on the Rights of the child.

IV. FAMILY ENVIRONMENT AND SUBSTITUTE PROTECTION

119. The family, as the basic social unit, provides the ideal setting for the socialization of children: it ensures that they are provided with the resources needed for their overall development and complete fulfilment. If the family unit is inoperative for any reason, however, replacement solutions are provided.

A. Parental guidance

120. Under Ivorian law, the right of parents to guide and counsel their children is one of the attributes of parental authority recognized by the Minority Act. Civil responsibility for children under the age of 21 rests with the parents. For cultural, economic and educational reasons, children tend to stay on in the family home, even after the age of 21. If so, the parents retain cultural responsibility.

121. With ratification of the Convention on the Rights of the Child, schooling is compulsory for children between the ages of six and 15. Full attendance in that age group, however, has not been attained. This is due to financial constraints, the lack of schools and cultural factors (such as opposition to education for girls).

B. Parents' responsibility

122. According to article 5 of the Minority Act, parental authority rests with the father and mother. Under certain conditions, parental authority may be exercised by the mother according to articles 6, 7, 8 and 9 of the Minority Act. In traditional Ivorian society, the education of children is taken care of both by parents and by the community.

123. In order to ensure proper care, Côte d'Ivoire has introduced a system of family allowances paid to employed parents. The amount of these family allowances is trifling, however, in relation to the present cost of living (2,500 CFA francs per child per month for the private sector and 700 CFA francs per child per month for the public sector).

C. Separation from the parents

124. Children occupy a central place in the family and hence in Ivorian society. However, they may be separated from their parents for a variety of reasons:

(a) Natural children: Separation may occur when the parents no longer live together. If so, one parent is given custody of the child while the other enjoys visiting rights.

(b) Legitimate children: Separation may occur in the event of divorce or physical separation.

If so, one of the parents is given custody of the child while the other enjoys visiting rights. In both cases, alimony may be payable to the parent who has custody unless he or she has sufficient means.

125. Children may also be separated from their parents in the case where authority is delegated, either voluntarily or by order. If so, all rights pertaining to parent authority, or part of those rights, shall be devolved on the receiving parents or third parties. Separation may occur in the event of the death of one or both parents, whereupon a guardian may be appointed under articles 48 et seq. of the Minority Act. Abandoned children also enjoy social protection; they are placed in nurseries or in the care of the person who has taken them in. If the parents claim the children subsequently, the guardianship magistrate may order the child to be handed over (article 18 of the Minority Act). In wartime, children may also be separated from their parents; they may then be placed in orphanages or nurseries. Young offenders are separated from their parents when in detention. Separation may also occur in the event of the imprisonment of one or both parents. In that case, the child may be taken in by a third party or placed in an establishment dealing with children.

126. In any event, whether the child is placed in the care of a third party or that of an establishment, the parents may be ordered to contribute to the upkeep and education of their children, unless they have no means at all (article 12 of the Minority Act). Parents failing to fulfil this obligation are liable to be sentenced for abandonment of the family (article 387 of the Penal Code). Any parent not paying the alimony as ordered by the court may be prosecuted for abandonment of the family.

127. An adoption procedure may be considered in the case of children who are orphans, abandoned or in difficult circumstances, in addition to the educational assistance procedure (Act No. 64-378 amended by Act No. 83-802 of 2 August 1983). In the event of separation, however, children under the age of seven are placed in the care of the mother unless she has been disqualified. In all cases the decision is taken by the court in the light of the child's best interest.

128. In a traditional environment, in the event of separation of the parents, very young children are usually cared for by the mother. If the father dies, the mother and her child may be rejected for a number of reasons. In an urban environment, unstable free partnerships lead to more frequent separation between parents and children, which is harmful for the children's harmonious development.

D. Family reunification

129. Act No. 90-437 of 29 May 1990 on the entry and residence of foreigners in Côte d'Ivoire and its Implementation Decree of 2 October 1991 contained many provisions favouring family reunification in the interest of the child in accordance with article 10 of the Convention on the Rights of the Child. Documents and entry visas are not required of children under 21 coming to join their parents authorized to reside in Côte d'Ivoire. Foreign children under the age of 16 do not need a residence permit.

130. Residence permits are issued by right:

(a) To foreigners, who are father or mother to a child residing in Côte d'Ivoire, over whom they exercise parent authority;

(b) To children of foreigners who have been naturalized Ivorian, provided they have reached the age of 16 and are in the care of those parents;

(c) To children aged under 21 of a foreigner holding a residence permit and authorized to reside in Côte d'Ivoire, on the grounds of family reunification.

According to article 17, minors under the age of 21 cannot be expelled from the country.

131. The posting of one of the spouses to another region of the country for professional reasons may be considered a de facto separation. In such cases, in the best interests of the child, family reunification should be encouraged.

E. Recovery of children's maintenance allowance

132. The Marriage Act, in articles 52 and 53, and the Divorce act, in Articles 27 and 36, make provision for maintenance allowance. This is payable to whichever spouse obtains the divorce. In practice, the allowance is paid according to the size of the family, the age of the children and the means of the payer; to the spouse who has custody of the children. In the event of failure to pay, the spouse may be ordered to do so by the court.

133. On account of widespread ignorance of the law and certain cultural factors, however, many women do not use that procedure. Moreover, courts should be stricter regarding the recovery of allowances from solvent parents who do not pay up.

F. Children deprived of their family environment

134. Children deprived of their family environment may be divided into orphans, abandoned children and other children in difficult circumstances. Very young children who have lost both parents are assisted by the family and the community. If there is no assistance from the family unit, the children are placed in other families or institutions. Abandoned children are initially placed in nurseries while searches are being made. If the family is found, the child may be returned to the family home, but the parents are penalized. If not, then family placement or adoption proceedings are initiated.

135. Children deprived of their family environment may be taken on by the following care facilities:

(a) Six nurseries, four of which are public, with a capacity for 350 children, situated in Yopougon, Dabou, Adjamé and Bouaké; the private facilities are situated in Adiaké and Man;

(b) Two orphanages: one for boys, situated in Bingerville, with a capacity for 250 boarders (which had 195 boarders in 1996); and one for girls, situated in Bassam, with a capacity for 165 boarders (housing 119 in 1996);

(c) Two S.O.S. Children's Villages situated in Abidjan and Aboisso.

G. Adoption

136. There are clearly not enough specialized homes for children in view of the number of children in need of care. The present policy is therefore to encourage family placement in most cases. This policy is based on the desirability of providing children with a family environment favourable to their development and on the limited budgetary means allocated in recent years to the necessary facilities. For example, the daily food allowance per child is 100 CFA francs, whereas the recognized international standard is 1200 CFA francs.

137. Adoption, under the terms of Act No. 64-378 amended by Act No. 83-802 of 2 August 1983, is a measure intended to protect the child. The law distinguishes between full and irrevocable adoption and simple adoption. In view of the large number of applications, however, and the different ways in which children are exploited, strict procedures need to be introduced where international adoption is concerned.

H. Abduction and unlawful failure to return

138. These cases are provided for in the Act on minority and affiliation. Child kidnapping is an offence and the failure to return children after the exercise of visiting rights is punishable under the Penal Code. Officially, there is no case of child trafficking to report.

I. Brutality and negligence, physical and psychological rehabilitation, social resettlement

139. Every form of violence or assault against a minor is punishable under article 362 of the Penal Code. The penalty in such cases can run to life imprisonment in the event of the minor's death. According to the statistics of the Ministry of Justice and Public Liberties, at 1 October 1997, there were 84 persons on remand and 179 convicted for offences against minors in the country's prisons.

140. In the event of any harm to the health, safety, morals or physical integrity of a minor, parents may be completely deprived of their parent rights and guardianship proceedings may be initiated in accordance with article 43, (III), of the Minority Act. The educational assistance procedure may also be used, in which case the minor will be placed with another parent, a third party or in an institution in accordance with articles 10 et seq. of the Minority Act. If necessary, the child will be placed with a replacement family or free schooling may be provided.

141. With regard to physical and especially psychological rehabilitation, a State care facility, the Child Guidance Centre, tries to identify children's disabilities and guide them if necessary to suitable specialized assistance.

142. Côte d'Ivoire's policy for the social rehabilitation of children in difficulty is implemented through the public sector, at national and local level, through NGOs, sometimes with the support of international organizations.

143. State-run facilities include:

(a) The programme of assistance to deprived urban communities (IMUP/ECED 1997-2001), which aims to reach at least 150,000 persons in poor neighbourhoods of Abidjan;

(b) The programme for the settlement and resettlement of street children, whose purpose is to provide vocational training for street children in establishments in the provinces;

(c) The educational assistance services of the Ministry of Justice and Public Liberties.

144. Institutions run by local authorities and NGOs include:

(a) The Advice and Social Resettlement Centre run by local authorities, such as the city of Abidjan, and NGOs, along the lines of the International Catholic Child Bureau (ICCB);

(b) Training centres such as the Abel Centre and the ANAED-Korhogo Lomania Centre;

(c) The Port-Bouët Pilot Centre for young people;

(d) The Amiguiens Community;

(e) The youth centre in Grand-Bassam;

(f) Médecins du Monde.

V. HEALTH AND WELLFARE

145. In accordance with article 24 of the Convention on the Rights of the Child, in 1992 Côte d'Ivoire initiated a national plan of action for the survival, protection and development of Ivorian children for the year 2000, outlining action in the fields of health and education. Following the same policy, the National Plan for health development was adopted in November 1996.

A. Survival and development

146. The general objective of the National Plan for health development was to improve the state of health and wellfare of the population by offering health services to meet the basic needs of the population. Specific objectives for mothers and children are to reduce the infant mortality rate by a third from 92 per 1,000 to 50 per 1,000 by 2008, to reduce the under-5 mortality rate by half from 150 per 1,000 to 75 per 1,000 by 2008, and to halve the maternal mortality rate from 400 deaths per 100,000 live births in 1988 to 200 per 100,000 births by 2008.

147. The strategy is to consolidate the gains achieved with the Human Resources Enhancement Programme and to introduce changes in the health sector, with a view to arriving at a more comprehensive approach to problems. Under this policy, several programmes have been initiated by the Ministry of Public Health:

(a) The Child Health Programme, aimed at combating acute respiratory infections and diarrhoeal diseases, and at promoting breastfeeding;

(b) The Expanded Programme on Immunization (EPI), which aims to extend immunization coverage to at least 80 per cent and to eradicate poliomyelitis by the year 2000;

(c) The promotion of traditional or natural medicine.

B. Disabled children

148. Several programmes have been undertaken to assist disabled children by providing institutional and community care. Where institutional care is concerned, special facilities are provided according to the type of disability.

1. Sensory disabilities

149. Visual disabilities are treated at the Ivorian National Institute for the Promotion of the Blind (INIPA) in Abidjan, which offers 150 places. Hearing disabilities are treated at the Ivorian School for the Deaf (ECIS) in Abidjan, with a capacity of 120 places.

2. Mental disabilities

150. There are three private institutes: (a) the Institut médico-pédagogique (IMP) of Vridi, in Abidjan, with 50 places; la Page blanche, a centre situated in Treichville (Abidjan) with 45 places, and the Arche de Bouaké with 50 places.

3. Special programmes

151. In addition to institutional care facilities, a community-based rehabilitation programme has been set up in two towns, Abidjan and Man. In 1996, the programme assisted 240 disabled persons in their families, including 144 children below the age of 15, regardless of their disability. In other words, 60 per cent of those cared for are children. This programme cooperates with the integrated schooling project, aimed at admitting disabled children to normal educational establishments. There are other associations for persons with various disabilities supported by the State and several NGOs.

152. A bill is currently under study to improve the protection of disabled persons, especially children.

C. Health and medical services

153. The statistics given below are taken from the report on the health situation in Côte d'Ivoire presented at the inauguration of the National Committee on Health (February 1997). Côte d'Ivoire currently has 1,200 public establishments, including eight regional hospitals, four university hospitals, two training institutes (the National Institute for the Training of Medical Staff (INFAS) and the National Institute of Public Health (INSP)), 29 health districts and seven specialized establishments. The private sector includes 25 hospitals and clinics, 212 authorized infirmaries, 97 medical surgeries, 11 dental surgeries and 82 company health services.

154. On 31 December 1995, there were 16,536 medical staff, including 1,236 doctors. There was one doctor for every 13,000 inhabitants, one nurse for every 4,000 inhabitants and one midwife for every 9,000 inhabitants nationwide. By deploying all trained doctors, Côte d'Ivoire could approach the WHO ratio of one doctor for every 2,000 inhabitants. The country is far from having met all its requirements and the current shortages can only be explained by the difficulties encountered by newly trained staff. The solution would be to improve the admission of new doctors to the health services by setting up surgeries and providing them with the necessary assistance.

155. Following the World Summit for Children, which was held in New York in 1990, and the International Conference on Assistance to African Children, which was held from 25 to 27 November

1992, the African countries identified ten intermediate objectives to be reached by 1995. Among the strategic objectives for the year 2000, nine are related to health[2]

156. Objectives one, two, three and four are related to the Expanded Programme on Immunization. The aim is to extend immunization coverage to at least 80 per cent, to reduce measles cases by 90 per cent and measles mortality by 95 per cent, to eradicate poliomyelitis and to eliminate neonatal tetanus. Objective five consists in providing 80 per cent coverage of oral rehydration therapy as a means of combating diarrhoeal diseases. Objectives six and seven aim to combat micronutrient deficiencies (vitamin A, iodine). The idea is to eliminate practically all disorders due to iodine and vitamin A deficiency and to iodize the salt supply.

157. Under Decree No. 94-303 of 1 June 1994 concerning the manufacture and sale of nutritional salts, the Ministry of Public Health was authorized to make it compulsory to iodize salt for human consumption, children being the main victims of iodine deficiency in some regions of the country. Inter-Ministerial Order No. 03 of 18 April 1996 made it compulsory for all salt for sale and consumption in Côte d'Ivoire to be iodized. In July 1996, a tripartite agreement was signed by UNICEF, the Ministries of Public Health and Trade and the four largest salt producers (the salt iodization operation was financed by UNICEF).

158. Objective 8 is aimed at encouraging breastfeeding and adapting existing facilities in line with the system of "baby-friendly hospitals". As far as intermediate objectives are concerned, 82 hospitals out of 86, 45 maternal and child health centres out of 59 and 25 social centres out of 56 have been recognized as attaining the standard of "baby-friendly".

159. According to the results achieved so far with the breastfeeding programme, Côte d'Ivoire is ahead of other countries in the region. A bill is soon to be enacted to regulate natural milk substitutes. The objective is to encourage the exclusive breastfeeding of babies up to the age of four months. A worthwhile endeavour in this respect, which deserves support, is the "Baby-Friendly Hospitals" project aimed at encouraging breastfeeding.

160. Objective 9 aims to eradicate dracunculiasis or Guinea worm disease. The number of cases fell from over 8,000 in more than 500 villages in 1993 to 3,006 cases in 225 endemic villages by September 1995. The objective set in 1996 was to reduce the number of endemic villages to 150, aiming for total eradication by 1997.

161. In order to reduce infant mortality, the Ministry of Public Health has focused on its primary health care programme in accordance with the Bamako Initiative, which is a major strategy for introducing a new health policy as part of the drive towards Health for All by the Year 2000. The reintroduction of expenditure refunds and the availability of generic medicines in public and private pharmacies have helped to make health accessible to all.

162. Efforts to deal with the main childhood health problems (malnutrition, iron and vitamin deficiencies, acute respiratory infections, AIDS, diarrhoeal diseases and malaria) include the Expanded Programme on Immunization, control of diarrhoeal diseases and acute respiratory infections, malaria control, the development of school health activities in pre-school and primary-school establishments and the promotion of natural medicine.

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[2] Ministry for Family Affairs and the Advancement of Women, Follow-up report on the intermediate objectives of the National Programme of Action for the Survival, Protection and Development of Ivorian Children by the Year 2000 (in French).

D. Social security and care facilities

163. In Côte d'Ivoire, the social security system takes several forms but still remains inadequate.

(a) The private sector affiliated to the National Social Insurance Fund (CNPS) offers three types of benefits (family allowances, accidents at work and occupational illnesses, old-age insurance);

(b) For the public sector, the General Mutual Insurance for Civil Servants and State Workers (MUGEF) refunds pharmaceutical products, dental care and prostheses, and spectacle lenses and frames, while old-age pensions are paid by the General Civil Servants' Retirement Fund (CGRAE);

(c) Private insurance companies.

There is no social security coverage, however, for employees who do not belong to the CNPS or for the peasant community.

164. The Ministry of Employment, Civil Service and Social Insurance is currently studying ways of establishing a social security system covering other sectors of activities. It has also prepared a sickness insurance scheme for State employees.

165. Care facilities for small children include the following:

(a) Thirty-eight centres for the protection of young children located throughout the country providing health, nutritional and pre-school care. Only 1.8 per cent of children before the age of six have access to public pre-school education; most of the existing facilities are situated in Abidjan. There are also some private facilities;

(b) Four care units for small children with special needs (hospitals and nurseries);

(c) Eight day-care centres in rural areas;

(d) Fifty-five welfare centres spread across the country, whose activities include mother-and-child protection, weighing, dietary demonstrations, vaccinations and social action, etc.;

(e) Seventy-eight training and education establishments for women (IFEF) spread across the country, in charge of training, educating and involving women and young girls in all types of activity.

E. Living standards

166. The devaluation of the CFA franc has led to a fall in the standard of living of the poorest classes of the population, especially in towns. In turn, this has affected the living standards of children and their development (health, education, leisure, etc.). In order to offset the negative effects of the devaluation, several programmes have been introduced:

(a) Basic education programme with the support of UNICEF and the African Development Bank (construction and rehabilitation of school buildings);

(b) Revival of village water programme;

(c) Promotion of family planning through the reproductive health programme;

(d) Establishment of social funds for young people (National Youth Fund), women (Women and Development Fund) and others;

(e) Local authority programmes (social funds for gradual resettlement, care and resettlement centres for street children, education, health, etc.);

(f) Rural electrification programme.

VI. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education

167. Traditional education may be seen from two complementary aspects: the family and local communities (villages) and age groups. For the purposes of the State, the goal of Ivorian education is to build Côte d'Ivoire for the third millennium. The aim is to encourage sharing of common values of citizenship, culture and democracy and to promote the social and economic life of the nation.

168. Ever since independence, the State has recognized schooling as a priority. As a result, 40 per cent of the national budget is allocated to education. The school attendance rate in the country was 73.1 per cent in 1996. However, net school attendance was only 50 per cent for the school year 1993-1994, which means that 50 per cent of school-age children did not have access to basic education, even though Côte d'Ivoire, devotes more than 40 per cent of its budget to education.

169. Access to primary education is still limited, since only 67.4 per cent of children aged six were admitted to their first year of schooling in 1993-1994, including 60.7 per cent of boys and 53.7 per cent of girls. The net admission rate was only 24 per cent in the first grade, which means that very few Ivorian children have access to school at that age. The gross rate of school attendance is currently around 72 per cent, compared with 60 per cent in 1988-1989, while schooling for girls has improved substantially in recent years (65.5 per cent in 1996 compared with 60.4 per cent in 1990).

170. This situation is due to the low internal efficiency of the educational system, with high repetition and drop-out rates. Shortcomings include an insufficient number of school buildings, a stagnating school attendance rate, inappropriate curricula, deteriorating infrastructures, unfavourable teaching conditions with a high failure rate (only 25 to 30 per cent of passes each year), and a shortage of human resources in education due to the new pay conditions (redundancy measures under Decree No. 91-818 of 11 December 1991).

171. In order to remedy the inadequacies of the present educational system, a number of initiatives have been taken in both the public and private sectors with the support of bilateral and multilateral cooperation agencies. As far as the public sector is concerned, the Government has passed a law on the reform of education.

172. Act No. 95-696 of 7 September 1995 on education states in article 1 that "all citizens are guaranteed the right to education, as a means of acquiring knowledge, developing their personality, raising their living standards, training, taking an active part in social, cultural and professional life and exercising their citizenship".

173. As far as bilateral and multilateral cooperation is concerned, Côte d'Ivoire receives assistance from international institutions such as the African Development Bank (school renovation and construction programme) and UNICEF, with a plan of operations for the period 1997-2001 that includes a component on basic education, with special emphasis on the education of young girls.

174. The part played by local authorities in school construction programmes could be strengthened through a transfer of powers. Improvements are also made to the educational system thanks to partnership activities with NGOs.

175. It is worth noting the problem of the Koranic schools, which are not institutionally recognized by the national education system, being governed instead by the Ministry of the Interior and National Integration. They should be given the status of denominational school and attached to the Ministry of Education and Basic Training.

B. Socio-educational, cultural and leisure activities

176. Alongside traditional education, socio-educational, cultural and leisure activities play an important part in the life of the nation. A general, comprehensive, out-of-school education policy takes care not only of schoolchildren, but also of those without schooling and those who have left school, offering training, guidance, social resettlement, leisure, sport, culture and avoidance of social problems. The goal is to ensure the balanced, harmonious development of the target group. It is implemented with the help of ministerial departments, local authorities and NGOs, which provide facilities and programmes.

177. The Ministry for the Advancement of Young People and Civic Culture develops programmes for specific age groups through:

(a) One hundred and eleven socio-educational institutions distributed across the country, with activities in the areas of education, information, leisure, creativity, etc.;

(b) Youth movements and associations, such as the Girl Guide Federation of Côte d'Ivoire (FISF) with 5,000 members, the Scout Federation of Côte d'Ivoire (FIS with 12,000 members), the Federation of Youth Movements and Associations of Côte d'Ivoire (FEMAJECI), etc.;

(c) Holiday centres (organized camps and outdoor centres) catering for some 2,000 to 3,000 children a year during the holiday period;

(d) Youth exchanges and workshops.

All these institutions and associations prepare children and young people for life in the community and for adult life by meeting other children and young people from different geographical, socio-economic and cultural backgrounds.

178. In the same spirit, the Ministry of Sport organizes sports activities both in schools through the Ivorian Office for School and University Sports (OISSU) and in the neighbourhoods. One of the three schools belonging to the National Institute for Youth and Sport (INJS) has been given the status of National Sports Centre. This new institution, set up by Decree No. 97-394 of 9 July 1997, is responsible for:

(a) Training and improving young athletes (aged 15 to 17) selected for their exceptional physical and technical qualities;

(b) Resettling athletes in socio-economic sectors.

Since 5 January 1998, when activities started, the centre has been training 80 young footballers: 40 aged 15 and 16 and 40 aged 16 and 17. Training lasts three years and the aim is to enable the youngsters to become professional footballers. Potential employers include national and foreign clubs, or Côte d'Ivoire's national team.

179. The Ministry of Communication and Culture runs the following programmes:

(a) Audio-visual programmes for children and young people, such as "Vacances Culture", "Wozo Vacances", "Podium", "Variétoscope" and the FESNAC School and University Theatre Festival;

(b) Several musical groups for children including Oiseaux du Monde, which have an international reputation;

(c) Several theatre and dance troupes for children;

(d) Literary activities such as the Caravane du Livre;

(e) Library networks for children.

VII. SPECIAL MEASURES FOR THE PROTECTION OF CHILDREN

180. As a result of the socio-economic problems caused by the economic crisis of the 1980s, Côte d'Ivoire, in cooperation with a number of institutions and organizations, has had to develop a policy to deal with what are referred to as children in exceptionally difficult circumstances. The following government bodies have been established to deal with this new phenomenon: Family Action Directorate (Ministry for Family Affairs and the Advancement of Women); Social Protection and Vocational Training Directorate (Ministry of Employment, Civil Service and Social Insurance); Directorate for the Social Environment of Young People (Ministry for the Promotion of Young People and Civic Culture); a multidisciplinary national commission to deal with the phenomenon of street children (set up by Decree No. 97-613 of 16 October 1997); and lastly an educational programme on the rights of the child (Ministry of Justice and Public Liberties), intended for future counsellors and special education teachers responsible for dealing with children within the various departments of the Ministry.

181. The local authorities run a network of guidance and resettlement centres for young people to combat delinquency. Partnerships with NGOs dealing with children (under the umbrella of the street children project) should be further strengthened. In the light of its political commitment, Côte d'Ivoire must now take the necessary legislative and regulatory measures to ensure the protection of childhood.

A. Children in extremely difficult circumstances

1. Children in the street and street children

182. Children in the street remain in contact with their families. They come to the streets for a number of activities, but do not sleep there. Street children, on the other hand, have broken the links with their families. They sleep in the street, where they have organized a lifestyle or survival routine on the fringes of society. The Government has adopted the conclusions of a Council of Ministers communication submitted by the Ministry for Family Affairs and the Advancement of Women, which is in charge of coordinating the national programme for the social settlement and resettlement of street children. Measures have included the establishment of an interministerial committee and a multidisciplinary national commission for dealing with the phenomenon of street children. Three centres will soon be opened in Dabou, Man and Boniérédougou to take in and train street children.

2. Working children

183. Even though Côte d'Ivoire has not ratified ILO Convention 138 concerning the Minimum Age for Admission to Employment, it introduced its Labour Code in 1964 (by Act No. 95-15 of 12 January

1995), which is in conformity with the Convention. The implementation of the Code, however, encounters certain difficulties in practice:

(a) A shortage of labour inspection facilities;

(b) Conditions of poverty inducing parents to resort to income earned by their children;

(c) A thriving informal sector, which is where child labour is mostly used.

Special emphasis should be placed on the protection of children in domestic employment and street sellers, who are exposed to sexual abuse.

3. Children in prison or in conflict with the law

184. Children in prison are protected under the terms of Decree No. 69-189 of 14 May 1969 regulating prison establishments and laying down conditions for the enforcement of prison sentences (arts. 33, 34, 35 and 36).

185. It should be pointed out that the conditions of detention and custody in prison as stipulated by the law are not respected. For example, the Observation Centre for Minors is still located inside Abidjan Prison. This leads to promiscuity with adults, a lack of hygiene and vocational training and a lack of specialized personnel to deal with the youngsters. As a matter of priority, the Observation Centre for Minors must be removed from Abidjan Prison premises. At the same time proper conditions must be provided for detained children, of which there are 150 on remand at the Abidjan Observation Centre. Altogether 542 children were in detention in Côte d'Ivoire at 10 November 1997.

4. Children in prostitution

186. With rising poverty, child prostitution of both sexes has been spreading in towns. There is occasional prostitution, which tends to be hidden by ostensible activities (by street sellers, young guards or domestic servants) in addition to professional prostitution run by networks.

187. There are no specific legal provisions covering the sexual exploitation of children for commercial purposes. Under articles 334 to 341 of the Penal Code, pornography is punishable (art. 334) by two years' imprisonment and a fine of between 30,000 and 300,000 CFA francs. Procuring is punished under articles 335 and 336 of the Penal Code. The normal penalty is doubled, to between 2 and 10 year's imprisonment, if the victim is under 21 years of age. Article 337 of the Penal Code punishes immoral incitement of minors. These laws, which specifically punish offences committed against children, form part of a deliberate legislative policy to protect them.

5. Drug-dependent children

188. While the consumption of drugs, tobacco and alcohol has been increasing, it has been difficult to assess it satisfactorily. It may be noted that in 1988, four per cent of those charged with drug trafficking were under 18 years of age. Measures have been taken, in accordance with the Geneva Convention and international humanitarian law, to create awareness among the target population, to train personnel dealing with the problem and to strengthen legislation.

189. The new measures have included a police force specializing in drugs and narcotics, an inter-ministerial anti-drugs committee supported by NGOs, a United Nations Drug Control Programme (UNDCP), an African Drug Control Programme, a Training Unit for Drug Control in Africa (UFDA), the Blue Cross and NGOs such as the Ivorian League for Drug Prevention.

B. Children in emergency situations

190. These are essentially Liberian refugee children. Although Côte d'Ivoire has not signed the African Charter on the Rights and Welfare of the Child, measures are taken to assist refugee children in accordance with the provision of the Geneva Conventions, which the country has ratified. Liberian refugee children are a special case and, according to the International Catholic Child Bureau (ICCB), numbered 177,575 in August 1996. Measures are coordinated by the Ministry of the Interior and National Integration, while the health aspects are dealt with by the Ministry of Public Health, with the support of the Office of the High Commissioner for Refugees (HCR) and NGOs such as the ICCB, Caritas, the Red Cross, Médecins sans Frontières, etc.

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